

2. that those same claims define subject matter which is patentably indistinct from a claim or claims in three prior patents of the applicant.

Applicant respectfully submits that each of these contentions is unsupportable and both rejections should be withdrawn.

With regard to the 35 U.S.C. § 102 rejections, each is based on the erroneous conclusion that:

"no relationship is determined on how or where to take the longitudinally (sic) axis (of the bolus)"

and, therefore,

"any axis that runs a length of the nose section would be considered a longitudinally (sic) axis."

The specification and drawings plainly describe and illustrate the longitudinal axis X of the bolus passage section. See page 6, lines 29-31; page 7, lines 30-32; page 8, lines 1-3; original claims 8, 9, 11 and 16, and drawing Figures 4 and 5. Furthermore, see *Webster's Ninth New Collegiate Dictionary* where the term "axis" is defined as:

a straight line with respect to which a body is symmetrical
(called also the axis of symmetry)

Applicant submits that one skilled in the art would know exactly what "longitudinal axis" means in view of the disclosure and the plain dictionary meaning of the term "axis". As such, the major premise of each 35 U.S.C. § 102 rejection is erroneous and the rejections based on each *Mahurkar '256*, *Andersen '474*, *Rusch '083* and *Quinn '322* should be withdrawn.

With regard to the obviousness double patenting rejections, each is based on the same erroneous conclusion regarding the meaning of the phrase "longitudinal axis". Read using the proper interpretation of the term used, "longitudinal axis", no claim pending in the present application defines subject matter which would have been obvious in view of applicant's earlier patent (claims).